

Monte J. White & Associates, P.C.  
Monte J. White  
1106 Brook Ave, Hamilton Place  
Wichita Falls, TX 76301  
(940)723-0099  
(940)723-0096

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

IN RE:

Rudolph Biera

Debtor

§  
§  
§  
§  
§  
§

Case No.12-10253-RLJ-13

MOTION TO SELL SECURED PROPERTY FREE AND CLEAR OF LIENS

Comes now Debtor, Rudolph Biera, and respectfully show the Court the following:

1. Debtor filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code on August 30, 2012.
2. Debtor received a loan from Bank Of America, N.A. for the purchase of 2913 Lipizzan Dr. Denton, Texas further described as Lot 52, Block V, Wheeler Ridge Phase Three, Denton, Denton County, Texas:
3. Debtor has scheduled Bank Of America, N.A. as a secured creditor on Schedule D of the petition and has treated Bank Of America, N.A. as a secured creditor in the Chapter 13 Plan;
4. Debtor wishes to sell the house and apply the proceeds of such sale to the principle debt owing Bank Of America, N.A. in the approximate amount of \$130,000.00 , and;
5. Debtor has located a buyer and an agreement has been reached to sell the house for \$140,100.00. Said agreement is attached as EXHIBIT A.
6. Debtor requests that the Court grant permission to pay such expenses of sale as set forth in the said attached agreement (EXHIBIT A).
7. Debtor requests permission to pay to Monte J. White and Associates, PC the amount of \$400.00 directly for the preparation and filing of this motion.

FOR THESE REASONS, Debtor requests an order allowing the sale of real property located at 2913 Lipizzan Dr., Denton, Texas, that Bank Of America, N.A.'s lien attach to the proceeds of the sale pending distribution, that costs of sale be paid as per the contract at closing, that taxes be prorated to and paid at the time of closing, that the Trustee be provided a copy of the closing statement that attorney fees in the amount of \$400.00 are approved and for such additional or alternative relief as may be just and proper.

Respectfully submitted,

/s/Monte J. White

Monte J. White & Associates, P.C.  
1106 Brook Ave, Hamilton Place  
Wichita Falls, TX 76301  
(940)723-0099  
(940)723-0096 Fax

IMPORTANT NOTICE

PURSUANT TO LOCAL BANKRUPTCY RULE 9007, YOU ARE HEREBY NOTIFIED THAT NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT ON OR BEFORE TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE MUST BE FILED WITH THE CLERK, AND A COPY MUST BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING WILL BE HELD WITH NOTICE TO (1) THE DEBTOR AND DEBTOR'S ATTORNEY; (2) THE OFFICE OF THE U.S. TRUSTEE; (3) ANY TRUSTEE AND THE TRUSTEE'S ATTORNEY; (4) THE MEMBERS OF ANY OFFICIAL COMMITTEE, OR THE ATTORNEY FOR ANY OFFICIAL COMMITTEE IF AN ATTORNEY HAS BEEN EMPLOYED; OR, IF THERE IS NO COMMITTEE, THE TWENTY (20) LARGEST UNSECURED CREDITORS; (5) ANY PARTY REQUESTING NOTICE; (6) ANY PARTY NAMED ON A COURT-APPROVED ALTERNATIVE SERVICE LIST; (7) THE RESPONDING PARTIES; AND (8) ANY OTHER AFFECTED ENTITY.

IF NO HEARING ON SUCH NOTICE OR MOTION INITIATING A CONTESTED MATTER IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on November 27, 2013, a true and correct copy of the foregoing was served on all parties on the mailing matrix by ECF and/or regular mail:

/s/Monte J. White

Label Matrix for local noticing  
0539-1  
Case 12-10253-rlj13  
Northern District of Texas  
Abilene  
Wed Nov 27 09:15:47 CST 2013

United States Trustee  
1100 Commerce Street  
Room 976  
Dallas, TX 75242-0996

306 Federal Building  
1205 Texas Avenue  
Lubbock, TX 79401-4037

ADT Security Services  
PO Box 551200  
Jacksonville, FL 32255-1200

AZUREA I, LLC  
C O WEINSTEIN AND RILEY, PS  
2001 WESTERN AVENUE, STE 400  
SEATTLE, WA 98121-3132

Allen L. Adkins & Associates, P.C.  
P.O. Box 3340  
Lubbock, TX 79452-3340

American InfoSource LP as agent for  
Midland Funding LLC  
PO Box 268941  
Oklahoma City, OK 73126-8941

(c)ASPIRE-CB & T  
9 CORPORATE RIDGE PKWY  
COLUMBUS GA 31907-3049

Asset Acceptance LLC  
P.O. Box 2036  
Warren MI 48090-2036

Asset Acceptance Llc  
Po Box 1630  
Warren, MI 48090-1630

Bank Of America, N.a.  
450 American St  
Simi Valley, CA 93065-6285

Bank of America, N.A.  
CO BDFTE, LLP  
15000 Surveyor Blvd Suite 100  
Addison, TX 75001-4417

Bank of America, N.A. CO  
Michael W. Zientz  
Mackie Wolf Zientz & Mann, P.C.  
Parkway Office Center South, Suite 900  
14160 North Dallas Parkway  
Dallas, Texas 75254-4314

Bank of America,N.A.  
P.O.BOX 660933  
DALLAS,TX 75266-0933

Barclays Bank Delaware  
Attention: Bankruptcy  
PO Box 1337  
Philadelphia, PA 19101

CAPITAL ONE BANK -USA, N.A.  
PO Box 12907  
Norfolk VA 23541-0907

CONN APPLIANCES INC AS ATTORNEY-IN-FACT AND  
P.O. BOX 2358  
BEAUMONT, TX 77704-2358

Capital One Bank -USA, N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

Capital One, N.a.  
Capital One Bank -USA N.A.  
PO Box 30285  
Salt Lake City, UT 84130-0285

Chase Bank  
PO Box 15902  
Wilmington, DE 19850

City of Denton  
CO Gregory J. Sawko  
Sawko & Burroughs, P.C.  
1172 Bent Oaks Dr.  
Denton, Texas 76210-8350

Compass Bank  
15 20th St S Fl 9  
Birmingham, AL 35233-2011

Compass Bank  
PO Box 4835  
Houston, TX 77210-4835

Conns Credit Corp  
Box 2356  
Beaumont, TX 77704-2356

Credit First NA  
Po Box 818011  
Cleveland, OH 44181-8011

Credit First-CFNA-Firestone  
BK13 Credit Operations  
PO Box 818011  
Cleveland, OH 44181-8011

Denton County  
Lee Gordon  
P O Box 1269  
Round Rock, TX 78680-1269

Denton County Tax Appraisal Office  
3911 Morse St.  
Denton, TX 76208-6331

Denton Independent School District  
CO Mark A. Burroughs  
Sawko & Burroughs, P.C.  
1172 Bent Oaks Dr.  
Denton, Texas 76210-8350

Discount Tire Service  
2990 Catclaw Dr.  
Abilene, TX 79606-1568

First Premier Bank  
3820 N Louise Ave  
Sioux Falls, SD 57107-0145

GE Money Bank  
P.O. Box 103104  
Roswell, GA 30076-9104

Gemb-Walmart  
P.O. Box 981127  
El Paso, Texas 79998-1127

Hsbc Bank  
Po Box 5253  
Carol Stream, IL 60197-5253

Hsbc Nv  
P.O. Box 19360  
Portland, Oregon 97280-0360

Internal Revenue Service  
1100 Commerce  
MC 5029 DAL  
Dallas, TX 75242-1100

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Jefferson Capital Systems LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

Lowes - MBGA - GEMB  
Attention: Bankruptcy Department  
PO Box 103104  
Roswell, GA 30076-9104

Midland Funding  
8875 Aero Dr Ste 200  
San Diego, CA 92123-2255

Mitsubishi Motor Credi  
MMCA  
PO Box 4401  
Bridgeton, MO 63044-0401

Monte J. White & Associates, P.C.  
402 Cypress, Suite 310  
Abilene, TX 79601-5151

PRA Receivables Management, LLC  
POB 41067  
NORFOLK, VA 23541-1067

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Regional Acceptance Co  
Attn: Bankruptcy  
266 Beacon Ave  
Winterville, NC 28590-7924

Regional Acceptance Corporation  
PO Box 1847  
Wilson, NC 27894-1847

Rudolph Biera  
2913 Lipizzan Dr.  
Denton, TX 76210-0506

Tate & Kirlin Assoc  
2810 Southhampton RD  
Philadelphia, PA 19154-1207

Western Finance  
4222 North 1st Street  
Abilene, TX 79603-6720

Western Shamrock Corporation  
Attention: Bankruptcy  
801 S Abe St.  
San Angelo, TX 76903-6735

Wheeler Ridge Homeowners Association  
CO RTI-mmunity Management Associates,  
1800 Preston Park Blvd, Ste. 101  
Plano, TX 75093-5198

Wheeler Ridge Homeowners Association  
1800 Preston Park Blvd, Ste. 101  
Plano, TX 75093-5198

Pamela Jean Chaney  
Monte J. White & Associates, P.C.  
American State Building  
402 Cypress, Ste. 310  
Abilene, TX 79601-5151

Walter 12,13 Ocheskey  
6308 Iola Avenue  
Lubbock, TX 79424-2735

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service  
PO Box 21126  
Philadelphia, PA 19114

Portfolio Rc  
Attn: Bankruptcy  
PO Box 41067  
Norfolk, VA 23541

(d)Portfolio Recovery Associates, LLC  
CO Compass Bank  
POB 41067  
Norfolk VA 23541

(d) Portfolio Recovery Associates, LLC  
CO Roomstores  
POB 41067  
Norfolk VA 23541

Addresses marked (c) above for the following entity/entities were corrected  
as required by the USPS Locatable Address Conversion System (LACS).

Aspire-cb & t  
9 Mutec Dr  
Columbus, GA 31907

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Bank of America, N.A.

(d) Denton County  
Lee Gordon  
P O Box 1269  
Round Rock, TX 78680-1269

(d) PRA Receivables Management, LLC  
POB 41067  
Norfolk, VA 23541-1067

(d) Rudolph Biera  
2913 Lipizzan Dr.  
Denton, TX 76210-0506

End of Label Matrix  
Mailable recipients 53  
Bypassed recipients 4  
Total 57